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10/668,385	09/23/2003	M. Kelly Lalonde	CA920020048US1	2493

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EXAMINER

ROSSOSHEK, YELENA

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2825

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/668,385
Filing Date: September 23, 2003
Appellant(s): LALONDE ET AL.

Emile Volel
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/02/2006 appealing from the Office action mailed 05/19/2006

(1) Real Party in Interest

A statement identifying by name the real party in interest is International Business Machine Corporation (IBM) as contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

Claims 2, 3, 7-10, 12, 13, 17, 20-25, 27, 32, 35, 36, 40-42, 53 contain informal errors as presented in the Appendix to the brief having in consideration that this claims are not being appealed.

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It has to be noted that claims 2, 3, 7-10, 12, 13, 17, 20-25, 27, 32, 35, 36, 40-42, 53 have an error in the indication of the dependency showing claim 0 as claim from which they depend.

(8) Evidence Relied Upon

6,122,443

Nishikawa

9-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 44 is finally rejected under 35 U.S.C. § 102(b) as being anticipated by Nishikawa (US Patent 6,122,443). The final rejection is set forth in a prior Office Action, mailed 05/19/2006. Claim 44 is under appeal and reproduced below along with corresponding citations from Nishikawa used for rejection of the limitations of the claim 44.

Claim 44	
A method of displaying a constrained graph, the constrained graph being constructed by a plurality of subgraphs having each a predefined grouping of a plurality of graphical elements	Column 7, lines 34-40; column 1, lines 57-60; column 6, lines 28, 29; lines 32-35
receiving from a user an input for deleting at least one graphical element from or adding at least one graphical element to a particular subgraph	column 22, lines 37-40, lines 61-64; column 27, lines 56-59, Fig. 48
determining whether to reposition one or more graphical elements from the predefined grouping of the graphical elements of the particular subgraph in response to the addition or deletion of the at least one graphical element	column 27, lines 62-67; Figs. 41, 49
repositioning the one or more graphical elements of the particular subgraph if it is determined that the one or more graphical elements from the predefined grouping of the graphical elements are to be repositioned	Column 27, lines 51-52; Figs. 43-47

determining whether location of one or more subgraphs is affected by the repositioning of one or more graphical elements of the particular repositioning of the one or more graphical elements of the particular subgraph	Column 27, line 67; column 28, lines 1-2; Figs. 47-49
repositioning, if one or more subgraphs are affected, the one or more affected subgraphs	Column 28, lines 3-6; Fig. 51

(10) Response to Argument

Introduction

Nishikawa discloses wire length minimization apparatus for moving an objects and a wire in a wiring pattern, which are formed as a tree having predetermined positional relationship with the arrangement, movement of the objects and wires (abstract), wherein the tree is a constraint graph (col. 1, ll.57-63; col. 6, ll.28-29; col. 14, ll.51-53), which might be displayed (col. 19, ll.48-51) including an ability of the user to interact with the system for inputting desired data for further altering the constraint graph representing a portion of the layout of the integrated circuit (col. 19, ll.42-44; col. 31, ll.55-57).

Appellants argue:

Nishikawa does not teach, show or suggest the step of receiving from the user an identifier of an input for deleting at least one graphical element from or adding at least one graphical element to a particular subgraph in said graph

As it was aforementioned Nishikawa discloses constructing and reconstructing the constraint graph representing the portion of the integrated circuit (col. 1, ll.57-63), wherein reconstructing the constraint graph/layout involves moving the **specified** objects and wires (graphical elements) (col. 6, ll.32-35) and graphical elements may include nodes, terminals, connections, and bundles of connections as stated by

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Appellants in the Specification of the instant Application on the page 1, paragraph [0002]. Therefore Nishikawa discloses moving, removing and adding the objects/graphical elements from/to constraint graph/subgraph, as shown on the Figs. 48, 49 (col. 27, ll.56-60), wherein user **inputs desired data** into the system, for example to specify objects and the priority for moving (col. 19, ll.42-44; col. 31, ll.55-57).

Appellants argue:

Nishikawa does not teach the step of determining whether to reposition one or more graphical elements from the predefined grouping of the graphical elements of the particular subgraph in response to the addition or deletion of the at least one graphical element from said identifier a selected subgraph to be shifted

Since forming a tree/constraint graph having as nodes a plurality of objects includes predetermined **positional relationship** (col. 6, ll.28-29), it is impossible to move the objects without affecting other objects. Moreover as shown on the Figs. 45 and 46 the object A was moved to the right, and tree/graph was created by adding vertex C to the tree A (col. 26, ll.64-67), it affected vertex B, which was also moved to the right by removing vertex C from the tree A and adding to the tree B as shown on the Fig. 48 (col. 27, ll.56-60). Therefore moving vertex B to the right as shown on the Figs. 47 and 48 was in response to the previous moving vertex A to the right as shown on the Figs. 45 and 46 and than moving objects A, B and C as a group to the right by adding virtual vertex K was in response to the previous moving of vertexes A and B closer to the vertex C as shown on the Figs. 49-51.

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Conclusion

Having considered all Appellants' arguments, Examiner maintains that Nishikawa teaches the limitations of Appellants' claim. Accordingly, based on the foregoing, Examiner respectfully requests that the rejection of claim 44 under 35 U.S.C. § 102(b) as anticipated by Nishikawa be affirmed.

Respectfully submitted,

Examiner
Helen Rossoshek
AU 2825
November 16, 2006



Conferees

Jack Chiang
SPE



David Blum
SPE

